

### **REMARKS**

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 9, 11-19, 29, and 31-58 are now in the application with claims 9, 11, 19, 29, 31, and 39 being independent. Claims 1-8, 10, 20-28, and 30 were previously cancelled. The Office's rejections are respectfully traversed.

### **Information Disclosure Statement**

The Office (Action of June 22, 2007 at page 3) states that the information disclosure statement file on April 18, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires that a legible copy of each cited non-patent publication be provided. The Information Disclosure Statement (PTO-1449) filed on April 18, 2007 lists two non-patent publications, "Real World Adobe GoLive 4" and "Dreamweaver for Windows and MacIntosh". Legible (original) copies of both publications were provided, as evidenced by the Artifact Sheet in the Image File Wrapper in private PAIR, listing Artifact No. 09991766BA. Accordingly, the Office is respectfully requested to return a signed and initialed copy of the form PTO-1449 to indicate that these references have been considered.

### **Rejection Under 35 U.S.C. §103(a)**

Claims 9, 19, 29, 48, 52, and 54 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,625,619 to McClendon et al. ("McClendon") in view of U.S. Patent No. 6,411,970 to Aitken et al. ("Aitken"). Claims 47, 51, and 53 stand rejected

under 35 U.S.C. §103(a) as allegedly being unpatentable over McClendon in view of Aitken, and further in view of U.S. Patent No. 5,864,865 to Lakis ("Lakis"). Claims 11-18, 31-46, 49, 55, and 57 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McClendon in view of U.S. Patent Publication No. 2001/0037490 A1 to Chiang ("Chiang"). Claims 50, 56, and 58 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McClendon in view of Chiang, and further in view of Aitken. These contentions are respectfully traversed.

#### **Claim 9**

Claim 9 recites (underlining added for emphasis) "A method of retrieving a file comprising HTML and having a filename, the method comprising, responsive to a request to retrieve the file: retrieving the file; retrieving a shadow file having a filename comprising the filename of the file and containing information about the file but not contained in the file; accessing a parameter associated with the shadow file to determine that the shadow file is to be displayed; and displaying one or more items of information included in the shadow file based on the parameter."

The Office (Action of June 22, 2007 at page 5) concedes that (underlining added for emphasis) "McClendon also does not teach expressly accessing a parameter associated with the shadow file to determine that the shadow file is to be displayed." The Office (*Id.*), however, asserts that (underlining added for emphasis)...

Aitken teaches accessing a parameter to determine whether the shadow file is to be "hidden", or not displayed (See Aiken, Column 6, lines 37-46, and Figure 3A).

It is well known that when the hidden parameter is not checked, the shadow file is displayed.

Aitken fails to disclose the claimed subject matter.

Aitken does not disclose accessing a parameter associated with the shadow file to determine that the shadow file is to be displayed, as is claimed. Aitken (Col. 4, lines 4-6) discloses that (underlining added for emphasis) “In this manner, the first shadow file is used to hold the desired properties that are not contained within the first computer file.” Thus, Aitken teaches that a shadow file holds properties not contained in a corresponding file. Aitken does not, however, disclose that a parameter is associated with the shadow file that can be accessed to determine that the shadow file is to be displayed. Aitken also does not disclose accessing such a parameter. Rather, Aitken teaches only that the shadow file holds properties relating to the first computer file.

Moreover, contrary to the Office's assertion, Aitken does not teach that a shadow file is displayed when the “Hidden” attribute is not checked. In fact, Aitken does not indicate that the “Hidden” attribute is associated with a shadow file. Rather, Aitken discloses that the properties depicted in FIG. 3A describe managed documents, not a shadow file. For example, Aitken (Col. 6, lines 37-39) discloses (underlining added for emphasis) “FIGS. 3A-3F depict embodiments of user interfaces for displaying, editing, and searching the desired properties for a group of managed documents.” Aitken (Col. 6, lines 47-54) further discloses that (underlining added for emphasis)...

For example, FIG. 3A depicts a general page displaying some desired properties of the managed document. For example, the general page depicts the type of

software which created the computer file, as well as the last modification date.

Typically, when a file resides on a file allocation table (FAT) file system, only the modified date is displayed. When a file resides on a new technology file system (NTFS), the created, modified and access dates are displayed.

Thus, Aitken teaches that the properties displayed in FIG. 3A are associated with a managed document, not a shadow file. Therefore, the “Hidden” attribute depicted in FIG. 3A also is associated with the managed document, not a shadow file. Accordingly, Aitken does not disclose, teach, or suggest that the “Hidden” attribute relates to or otherwise controls the display of a shadow file.

Further, Aitken (*Id.*) teaches that the properties displayed for the managed document are dependent on the file system in use. Similarly, the “Attributes” of the managed document presented in FIG. 3A – namely Read Only, Archive, Hidden, and System – represent file system attributes. Therefore, the attribute “Hidden” is not associated with a shadow file and does not indicate that a shadow file is displayed when the attribute is not checked. To the contrary, the attribute “Hidden” identifies whether the managed document is a hidden file with respect to the file system. Accordingly, Aitken also does not disclose, teach, or suggest accessing a parameter associated with the shadow file to determine that the shadow file is to be displayed and displaying one or more items of information included in the shadow file based on the parameter, as is claimed.

The Office (Action of June 22, 2007 at page 5) also asserts that (underlining added for emphasis) “It is well known that when the hidden parameter is not checked, the shadow file is

displayed.” As discussed above, the Office’s assertion regarding the “Hidden” attribute is not well known and is in fact contrary to the teachings of Aitken.

The Office does not state that it is taking Official Notice regarding the “Hidden” parameter and display of the shadow file. Nonetheless, taking Official Notice with respect to claim 9 would be inappropriate because the subject matter is not capable of instant and unquestionable demonstration as being well-known. MPEP §2144.03 A. states (underlining added for emphasis)...

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

Moreover, the Office does not explain how the unchecked “Hidden” attribute, which is associated with a managed document, would cause a shadow file to be displayed.

For at least these reasons, independent claim 9 is allowable over the proposed combination of McClendon and Aitken. Further, claims 47 and 48 depend from claim 9, and therefore also are allowable for at least the reasons discussed with respect to claim 9.

Additionally, claims 19 and 29 include subject matter similar to that of claim 9. Therefore, claims 19 and 29 are allowable for at least the reasons discussed with respect to claim 9. Also, claims 51 and 52 depend from claim 19 and therefore are allowable based at least on

claim 19. Further, claims 53-54 depend from claim 29 and therefore are allowable based at least on claim 29.

Dependent claims 47, 51, and 53 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over McClendon in view of Aitken, and further in view of Lakis. The addition of Lakis does not cure the deficiencies of McClendon and Aitken described above. For example, Lakis does not disclose, teach, or suggest accessing a parameter associated with the shadow file to determine that the shadow file is to be displayed when the file is opened and displaying one or more items of information included in the shadow file based on the parameter. Therefore, claims 47, 51, and 53 also are allowable over the proposed combination of McClendon, Aitken, and Lakis.

#### Claim 48

Claim 48, which depends from claim 9, recites (underlining added for emphasis) “The method of claim 9, wherein the parameter is stored in the shadow file.” As recited in claim 9, the parameter is associated with the shadow file and can be accessed to determine that the shadow file is to be displayed.

The Office (Action of June 22, 2007 at pages 5-6) asserts that “Aiken also teaches that the parameter is stored in the shadow file (See Aiken, Column 6, lines 37-46).” As discussed above with respect to claim 9, the proposed combination of Aitken and McClendon fails to teach a parameter associated with the shadow file that can be accessed to determine that the shadow

file is to be displayed. Therefore, Aitken also cannot disclose storing such a parameter in the shadow file.

Rather, Aitken (Col. 3, lines 61-64) discloses (underlining added for emphasis) “As described below in further detail, each managed document is to have a desired set of properties contained either in the managed document or in a shadow file.” Further, Aitken (Col. 4, lines 1-6) discloses (underlining added for emphasis)...

If the first computer file does not contain all of the desired properties, a first shadow file is created (step 18). The first shadow file is linked to the first computer file (step 20). In this manner, the first shadow file is used to hold the desired properties that are not contained within the first computer file.

Thus, Aitken teach that the shadow file contains the desired properties not contained by the first computer file. Aitken does not, however, disclose that the shadow file stores a parameter that can be accessed to determine that the shadow file is to be displayed, as is claimed.

Moreover, the Office (Action of June 22, 2007 at page 5) concedes that McClendon does not teach accessing a parameter associated with the shadow file to determine that the shadow file is to be displayed. Thus, McClendon also does not teach storing such a parameter in the shadow file. For at least these reasons, claim 48 also is allowable over the proposed combination of McClendon and Aitken based on its own merits. Further, claims 52 and 54 include subject matter similar to that of claim 48. Thus, claims 52 and 54 also are allowable for at least the reasons discussed with respect to claim 48.

#### Claim 11

Claim 11 recites (underlining added for emphasis) "...at least one editor having an input operatively coupled for receiving information to be contained in the file, the at least one editor for providing at an output a user interface for receiving said information and for providing said information at the at least one editor output, wherein the information comprises computer code; a shadow file keys/values manager having an input operatively coupled for receiving in a web authoring tool the information related to the file and not contained in the file, the shadow file keys/values manager providing at an output a user interface for receiving said information related to the file and not contained in the file and for providing at the shadow file keys/values manager output said information related to the file and not contained in the file, wherein the information related to the file and not contained in the file describes an attribute of the computer code; ...". McClendon and Chiang, taken separately or in combination, fail to disclose the claimed subject matter.

Further, the specification provides examples of advantages that can be realized by using information related to the file and not contained in the file to describe one or more attributes of computer code. The specification (p. 2, line 16 – p. 3, line 13) states (underlining added for emphasis):

If a file contains the source code for a web page, however, storing information about the file or other information as a comment in the file itself may be undesirable for several reasons. One reason has to do with the fact that when a user requests a web page from a server, the source code for the web page is provided by the server to the user's computer system, stored on the user's computer system, and rendered by a browser. Although comments are not rendered by the browser, they are accessible to the user..., and the designer of the



web page may not wish the user to be able to view the information about the web page stored as a comment. Another reason it may be undesirable to store information about a web page in the source code for the page is that the information will be downloaded as part of the page, increasing the time required to download the page, and driving up costs of serving the web page to users due to increased bandwidth and traffic requirements of the page.

McClendon et al. and Chiang fail to disclose the claimed subject matter to further such advantages.

Claim 11 recites that the information contained in the file comprises computer code. Further, claim 11 recites that the information related to the file and not contained in the file describes an attribute of the computer code. The Office (Action of June 22, 2007 at page 8) asserts that (underlining added for emphasis)...

McClendon also teaches that the information related to the file and not contained in the file describes an attribute of the computer code, such as a property set (See McClendon, Column 17, lines 59-67).

Thus, the Office asserts that the property set disclosed by McClendon describes an attribute of the computer code – namely, the computer code contained in the file.

The property set disclosed by McClendon does not describe an attribute of computer code. With respect to a set of properties, McClendon (Col. 17, lines 59-67) discloses (underlining added for emphasis)...

Each individual product has its own set of properties – a product is defined as the smallest unit that has a unique part number. Part-number products can be assembled into larger part-number products. Preferably, each individual product property set can be pasted into an existing HTML product data sheet using XML

coding or be saved in XML format in a companion file with a file name that associates it with the original HTML file.

Thus, McClendon teaches that a set of properties (or a “property set”) corresponds to a physical product. Further, McClendon teaches that a product is the smallest unit that has a unique part number. McClendon does not disclose a product that is computer code.

McClendon teaches that a product property set can be saved in XML format in a companion file with a file name that associates it with the original HTML file – an existing HTML product data sheet. However, McClendon nonetheless teaches that the product data set includes only a set of properties corresponding to the individual product in the existing product data sheet. McClendon does not disclose, teach, or suggest that the product property set describes an attribute of computer code. For example, McClendon does not disclose that the product property set includes an attribute of the HTML file. To the contrary, McClendon discloses only that the product property set includes a set of properties that relate to an individual product. Attributes associated with a product are not equivalent to attributes associated with a file of computer code.

Further, Chiang also does not disclose that information related to the file and not contained in the file describes an attribute of the computer code. Chiang (para. 0010) discloses (underlining added for emphasis)...

...a method of generating computer code for a web application, and dynamically binding input files from graphic designers and source code from web developers, comprising the web application server receiving input files from graphic designers or business analysts, wherein the input files are at least one web application graphical user interface.

Thus, Chiang teaches that input files and source code are bound to generate computer code for a web application. However, Chiang does not disclose information related to the file and not contained in the file. Therefore, Chiang also does not disclose, teach, or suggest a shadow file keys/values manager having an input operatively coupled for receiving in a web authoring tool the information related to the file and not contained in the file,..., wherein the information related to the file and not contained in the file describes an attribute of the computer code, as is claimed.

Further, with all due respect, the proposed combination of McClendon with Chiang is unreasonable. The Office (Action of June 22, 2007 at page 9) asserts that McClendon and Chiang are analogous art and states that (underlining added for emphasis)...

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the web-authoring tool of Chiang with the information files of McClendon. The motivation would have been to allow the developer ease of graphical design and high performance. (See Chiang Provisional Application, Page 1, line 20).

However, Chiang does not attribute the benefits cited by the Office to the web-authoring tool. To the contrary, Chiang indicates that the cited benefits are provided by the web application generator.

For example, Chiang (Chiang Provisional Application page 1, line 17 to page 2, line 2) states that (underlining added for emphasis)...

The generator offers ease of development by allowing business analysts to specify the application's graphical user interface in HTML independent of a generic programming language. Other benefits include object-orientation, scalability,

ease of graphical design and high performance. The HTML files are input in the generator which outputs a corresponding generic programming language.

Thus, Chiang teaches a generator that converts HTML files into a generic programming language.

Further, McClendon (Col. 17, lines 64-67) states “Preferably, each individual product property set can be pasted into an existing HTML product data sheet using XML coding....” As such, unlike Chiang, McClendon teaches using HTML files for presentation and that the HTML files already exist. Because the product property set disclosed by McClendon is pasted into an existing HTML file, there is no need for the system of McClendon to receive a product property set in a web authoring tool. Therefore, McClendon does not have any use for the web application generator of Chiang. Accordingly, there is no motivation to combine Chiang with McClendon, as suggested by the Office.

For at least these reasons, independent claim 11 is allowable over the proposed combination of McClendon and Chiang. Claims 12-18, 49 and 50 depend from claim 11 and therefore also are allowable for at least the reasons discussed with respect to claim 11.

Further, claims 31 and 39 include elements similar to those contained in claim 11. For example, claim 31 recites (underlining added for emphasis) “...receiving by a web authoring tool first information to be contained in a first file, the first information comprising computer source code; receiving by the web authoring tool second information characterizing one or more attributes of the computer source code;...” Similarly, claim 39 recites (underlining added for emphasis) “...receive by a web authoring tool first information to be contained in a first file, the first information comprising computer source code; receive by the web authoring tool second

information characterizing one or more attributes of the computer source code;...” Therefore, claims 31 and 39 are allowable for at least the reasons discussed with respect to claim 11.

Claims 32-38, 55, and 56 depend from claim 31 and therefore also are allowable for at least the reasons discussed with respect to claim 31. Also, claims 40-46, 57, and 58 depend from claim 39 and therefore also are allowable for at least the reasons discussed with respect to claim 39.

Additionally, dependent claims 50, 56, and 58 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over McClendon in view of Aitken, and further in view of Aitken. The addition of Aitken does not cure the deficiencies of McClendon and Chiang described above. For example, Aitken does not disclose, teach, or suggest a shadow file keys/values manager having an input operatively coupled for receiving in a web authoring tool the information related to the file and not contained in the file, wherein the information related to the file and not contained in the file describes an attribute of the computer code. Therefore, claims 50, 56, and 58 also are allowable over the proposed combination of McClendon, Chiang, and Aitken.

#### Claim 14

Claim 14, which depends from claim 11, recites (underlining added for emphasis) “...a file manager having an input operatively coupled for receiving a request to open the file, the file manager for, via an input/output, opening the file responsive to the request and for providing at an output a signal to display the shadow file; and wherein the shadow file keys/values manager additionally has a signal input coupled to the file manager signal output for receiving the signal,

the shadow file keys/values manager additionally for automatically displaying via the shadow file keys/values manager output at least a portion of the information related to the file in the shadow file responsive to the request."

The Office (Action of June 22, 2007 at pages 9-10) asserts that (underlining added for emphasis) "McClendon also teaches receiving a request to open the file and automatically displaying at least a portion of the information related to the file in the shadow file related to the request (See McClendon, Column 3, lines 8-25)." McClendon and Chiang, taken separately or in combination, fail to disclose the claimed subject matter.

The cited portion of McClendon (Col. 3, lines 8-25) discloses a hierarchical criteria interface (underlining added for emphasis)...

Many embodiments use a hierarchical criteria interface to view, select and insert element information. Such an interface might, in one embodiment, appear in a manner similar to the example hierarchy seen in FIG. 1. In such an interface, the various elements (e.g. 210,220,225,230,235,240,245, 250) and criteria representing properties (e.g. 255, 265) would be selectable. Selection of an element would cause the display of the elements names that are below the selected element in the hierarchy and criteria associated with the selected element.

Thus, McClendon teaches a hierarchical interface, wherein selection of an element results in the display of element names organized below the selected element and criteria associated with the selected element. However, McClendon does not suggest that the elements included in the hierarchy represent individual files or that the criteria associated with an element are contained in a shadow file. Therefore, selecting an element is not equivalent to a request to open a file or opening the file responsive to the request. Further, displaying elements and criteria in the

hierarchy also is not equivalent to outputting at least a portion of the information related to the file in the shadow file responsive to the request. Moreover, the addition of Chiang does not cure the deficiencies of McClendon.

For at least these reasons, claim 14 also is allowable over the proposed combination of McClendon and Chiang based on its own merits. Further, claims 34 and 42 include subject matter similar to that of claim 14. Thus, claims 34 and 42 also are allowable for at least the reasons discussed with respect to claim 14.


### Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the above remarks, claims 9, 11-19, 29, and 31-58 should be in condition for allowance, and a formal notice of allowance is respectfully requested. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Sept. 24, 2007

  
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